GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Procurement Policy- Make in India (PPP-MII) –Order of Government of Andhra Pradesh 2020 – Revision Orders – Issued.

INDUSTRIES AND COMMERCE (PROG-I) DEPARTMENT

G.O.Ms.No.23 Dated:20/03/2023

Read the following:

1. G.O.Ms.No.9 of Ind. & Com. (Prog -1) Dept., Dated:25.02.2021.
2. From the Director, Ministry of Commerce and Industry, Department for Promotion of Industry and Internal Trade, Public Procurement Section, Government of India, New Delhi, Reference No. P-45021/2/2017-PP (BE-II), Dated:16/09/2020.
3. From the Under Secretary to GoI, Ministry of Commerce and Industry, Department for Promotion of Industry and Internal Trade, Public Procurement Section, Government of India, New Delhi, Reference No. P-45021/102/2019- BE-II-Part(1) (E-50310), Dated:04/03/2021.
4. From the Director, Ministry of Commerce and Industry, Department for Promotion of Industry and Internal Trade, Public Procurement Section, Government of India, New Delhi, Reference No. P-45021/112/2020-PP (BE-II), (E-43780), Dated:30/03/2021.
5. From the Director, Ministry of Commerce and Industry, Department for Promotion of Industry and Internal Trade, Public Procurement Section, Government of India, New Delhi, Reference No. P-45021/222/2020-PP (BE-II), (E-49338), Dated:05/05/2021.
6. From the Director, Ministry of Commerce and Industry, Department for Promotion of Industry and Internal Trade, Public Procurement Section, Government of India, New Delhi, Reference No. P-45021/2/2017-PP (BE-II),(E-49338), Dated:13/05/2021.
7. From the Under Secretary to GoI, Ministry of Commerce and Industry, Department for Promotion of Industry and Internal Trade, Public Procurement Section, Government of India, New Delhi, Reference No. P-45021/102/2019- BE-II-Part(2) (E-54899), Dated:15/07/2021.
8. From the Director, Ministry of Commerce and Industry, Department for Promotion of Industry and Internal Trade, Public Procurement Section, Government of India, New Delhi, Reference No. P-45021/222/2020-(BE-II)(E-49338), Dated:07/09/2021.

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ORDER:

In the reference 1st read above, the Government of Andhra Pradesh have issued orders adopting the Public Procurement Policy issued by the Department for Promotion of Industry and Internal Trade, Government of India (Preference to Make in India) Order 2017 to encourage 'Make in India' and promote manufacturing and products of goods and services in India with a view to enhance income and employment.

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2. In the reference 2nd read above, the Government of India, Ministry of Commerce and Industry, Department for Promotion of Industry and Internal Trade, (DPIIT), has made the consequent revisions as amended by Order Dated: 28.05.2018, 29.05.2019 and 04.06.2020 and issued the revised "Public Procurement (Preference to Make in India), Order 2017", dated. 16.09.2020with immediate effect, and

Whereas it is the policy of the Government of India to encourage "Make in India" and promote manufacturing and production of goods and services in India with a view to enhancing income and employment, and

Whereas procurement by the Government is substantial in amount and can contribute towards this policy objective, and

Whereas local content can be increased through partnerships, cooperation with local companies, establishing production units in India or Joint Ventures (JV) with Indian suppliers, increasing the participation of local employees in services and training them, and

Whereas the PPP-MII Order was issued by the DPIIT at incentivizing the production through local content requirements and purchase preference thereby encouraging domestic manufacturers and service providers' participation in public procurement of goods, services and works by central agencies.

3. In the references 3rd to 8th read above, Government of India, Ministry of Commerce and Industry, Department for Promotion of Industry and Internal Trade (DPIIT), has given subsequent amendments/clarifications to the Public Procurement (Preference to Make in India) Order'2017.

4. Government after careful examination have decided to adopt the Public Procurement (Preference to Make in India) Order'2017 in the state of Andhra Pradesh and hereby issues the following order

1. SHORTTITLE

This Order may be referred to "Public Procurement Policy – Make In India(PPP- MII) Order of Government of Andhra Pradesh 2022.

2. EFFECTIVEDATE

This Order shall take effect from the date of its notification.

3. DEFINITIONS

The following definitions apply for this Order.

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1. "Local content" means the amount of value added in India which shall, unless otherwise prescribed by the Nodal Department, be the total value of the item procured (excluding net domestic indirect taxes) minus the value of imported content in the item (including all customs duties) as a proportion of the total value, in percent.
2. 'Class-I local supplier' means a supplier or service provider, whose goods, services or works offered for procurement, meets the minimum local content as prescribed for 'Class-I local supplier' under this Order.
3. 'Class-II local supplier' means a supplier or service provider whose goods, services or works offered for procurement, meets the minimum local content as prescribed for 'Class-II local supplier' but less than that prescribed for 'Class-I local supplier' under this Order.
4. 'Non - Local supplier' means a supplier or service provider, whose goods, services or works offered for procurement, has local content less than that prescribed for 'Class-II local supplier' under this Order.
5. 'L1' means the lowest tender or lowest bid or the lowest quotation received in a tender, bidding process or other procurement solicitation as adjudged in the evaluation process as per the tender or other procurement solicitation.
6. 'Margin of purchase preference' means the maximum extent to which the price quoted by a 'Class-I local supplier' may be above the L1 for the purpose of purchase preference.
7. "Nodal Department" means the Department identified pursuant to this order in respect of a particular item of goods or services or works.
8. "Procuring Entities" refers to all Government Departments, Local Bodies, Statutory Bodies, Development Authorities, Bodies created through Executive Orders, Companies, Corporations, Special Purpose Vehicles, Societies, Trusts and any other Public Sector Under takings.

4. ELIGIBILITY CRITERIA

Eligibility of "Class-I local supplier"/"Class–II local supplier"/"Non-Local suppliers" for different types of procurement

a. In procurement of all goods, services or works in respect of which the Nodal Department has communicated that there is sufficient local capacity and local competition, only "Class-I local supplier" as defined under the Order, shall be eligible to bid irrespective of purchase value.
b. Only 'Class-I local supplier' and 'Class-II local supplier', as defined under the Order, shall be eligible to bid in procurements undertaken by procuring entities, except when Global tender enquiry has been issued. In global tender enquiries, 'Non-local suppliers' shall also be eligible to bid along with 'Class-I local suppliers' and 'Class-II local suppliers'. In procurement of all goods, services or works, not covered by sub- para 4 (a) above, and with estimated value of purchases less than Rs.200 Crore, in accordance with Rule 161(iv) of GFR, 2017, Global tender enquiry shall not be issued except with the approval of competent authority as designated by the Finance Department.".

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The bidders offering imported products will fall under the category of non-local suppliers. They can't claim themselves as 'Class-I local suppliers'/'Class-II local suppliers' by claiming the services such as transportation, insurance, installation, commissioning, training and after sales service support like AMC/CMC etc., as local value addition.

c. For the purpose of this Order, works included Engineering, Procurement and Construction (EPC) contracts and services include System Integrator (SI) contracts.

5. PURCHASE PREFERENCE

a. Subject to the provisions of this Order and to any specific instructions issued by the Nodal Department or in pursuance of this Order, purchase preference shall be given to "Class-I local supplier" in procurements under taken by procuring entities in the manner specified hereunder.

b. In the procurement of goods or works, which are covered by para 4(b) ABOVE AND WHICH ARE DIVISIBLE IN NATURE, THE "Class-I local supplier" shall get purchase preference over "Class-II local supplier" as well as "non-local supplier" as per following procedure.

i. Among all qualified bids, the lowest bid will be termed as L1. If L1is "Class-I local supplier", the contract for full quantity will be awarded to L1.

ii. If L1 bid is not a "Class-I local supplier", 50% of the order quantity shall be awarded to L1. Thereafter, the lowest bidder among the "Class-I local supplier" will be invited to match the L1 price for the remaining 50% quantity subject to the Class-I local supplier's quoted price falling within the margin of purchase preference, and contract for that quantity shall be awarded to such "Class-I local supplier" subject to matching the L1 price. In case such lowest eligible "Class-I local supplier" fails to match the L1 price or accepts less than the offered quantity, the next higher "Class-I local supplier" within the margin of purchase preference shall be invited to match the L1 price for remaining quantity and so on, and contract shall be awarded accordingly. In case some quantity is still left uncovered on Class-I local suppliers, then such balance quantity may also be ordered on the L1 bidder.

c. In the procurement of goods or works, which are covered by para 5(b) above and which are not divisible in nature, and in procurement or services where the bid is evaluated on price alone, the "Class-I local supplier" shall get purchase preference over "Class-II local supplier" as well as "Non-local supplier" as per following procedure:

i. Among all qualified bids, the lowest bid will be termed as L1. If L1 is "Class-I local supplier", the contract will be awarded to L1.

ii. If L1 is not 'Class-I local supplier', lowest bidder among the 'Class-I

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local supplier', will be invited to match the L1 price subject to Class-I local supplier's quoted price falling within the margin of purchase preference, and the contract shall be awarded to such 'Class-I local supplier' subject to matching the L1 price.

iii. In case such lowest eligible 'Class-I local supplier' fails to match the L1 price, the 'Class-I local supplier' with the next higher bid within the margin of purchase preference shall be invited to match the L1 price and so on and contract shall be awarded accordingly. In case none of the 'Class-I local supplier' within the margin of purchase preference matches the L1 price, the contract may be awarded to the L1 bidder.

d. "Class-II local supplier" will not get purchase preference in any procurement, undertaken by procuring entities.

5B. Applicability in tenders where contract is to be awarded to multiple bidders - In tenders where contract is awarded to multiple bidders subject to matching of LI rates or otherwise, the 'Class-I local supplier' shall get purchase preference over 'Class-II local supplier' as well as 'Nonlocal supplier', as per following procedure:

a. In case there is sufficient local capacity and competition for the item to be procured, as notified by the nodal Ministry only Class -I local suppliers shall be eligible to bid. As such, the multiple suppliers, who would be awarded the contract, should be all and only Class- I Local suppliers'.
b. In other cases 'Class-II local suppliers' and 'Non local suppliers' may also participate in the bidding process along with 'Class- I Local suppliers' as per provisions of this Order.
c. If 'Class-I Local suppliers' qualify for award of contract for at least 50% of the tendered quantity in any tender, the contract may be awarded to all the qualified bidders as per award criteria stipulated in the bid documents. However, in case 'Class-I Local suppliers do not qualify for award of contract for at least 50% of the tendered quantity, purchase preference should be given to the 'Class-I local supplier' over Class-II local suppliers / Non local suppliers' provided that their quoted rate falls within 20% margin of purchase preference of the highest quoted bidder considered for award of contract so as to ensure that the 'Class-I Local suppliers' taken in totality are considered for award of contract for at least 50% of the tendered quantity.
d. First purchase preference has to be given to the lowest quoting 'Class-I local supplier', whose quoted rates fall within 20% margin of purchase preference, subject to its meeting the prescribed criteria for award of contract as also the constraint of maximum quantity that can be sourced from any single supplier. If the lowest quoting 'Class-I local supplier' does not qualify for purchase preference because of aforesaid constraints or does not accept the offered quantity, an opportunity may be given to next higher 'Class-I local supplier', falling within 20% margin of purchase preference, and so on.
e. To avoid any ambiguity during bid evaluation process, the procuring entities may stipulate its own tender specific criteria for award

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of contract amongst different bidders including the procedure for purchase preference to 'Class-I local supplier' within the broad policy guidelines stipulated in sub-paras above.

6. EXEMPTION OF SMALL PURCHASES:

Not withstanding anything contained in paragraph 5, procurement where in the estimated value to be procured is less than Rs.5 lakhs shall be exempt from this Order. However, it shall be ensured by procuring entities that procurement is not split for the purpose of avoiding the provisions of this Order.

The maximum amount of such small purchases should not exceed Rs.30.00 lakhs in a financial year by a HoD/Indenting Authority. The respective HOD/Indenting Authority shall certify while making each such procurement that the cumulative procurements below Rs.5 lakhs in financial year has not exceeded Rs.30.00 lakhs.

7. MINIMUM LOCAL CONTENT:

The local content' requirement to categorize a supplier as 'Class-I local supplier' is minimum 50% For 'Class-II local supplier', the 'local content' requirement is minimum 20%. Nodal Department may prescribe only a higher percentage of minimum local content requirement to categorize a supplier as 'Class-I local supplier' / 'Class -II local supplier'. For the items for which Nodal Department has not prescribed higher minimum local content notification under the Order, it shall be 50% and 20% for 'Class- I local supplier'/ 'Class-II local supplier' respectively.

8. MARGIN OF PURCHASE PREFERENCE:

The margin of purchase preference shall be 20%. The suppliers who are registered and manufacture in the state of Andhra Pradesh shall have an additional purchase preference of 5%.

The State Government PSUs shall have further additional purchase preference of 5%, if the products are directly manufactured by them".

9. REQUIREMENT FOR SPECIFICATION IN ADVANCE:

The minimum local content, the margin of purchase preference and the procedure for preference to Make in India shall be specified in the notice inviting tenders or other form of procurement solicitation and shall not be varied during a particular procurement transaction.

10. GOVERNMENT E-MARKET PLACE:

In respect of procurement through the Government e-market place (GeM) shall, as far as possible, specifically mark the items which meet the minimum local content while registering the item for display, and shall,

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wherever feasible, make provision for automated comparison with purchase preference and without purchase preference and for obtaining consent of the local supplier in those cases where purchase preference is to be exercised.

11. VERIFICATION OF LOCAL CONTENT:

a. The 'Class-I local supplier'/'Class-II local supplier' at the time of tender, bidding or solicitation shall be required to indicate percentage of local content and provide self- certification that the item offered meets the local content requirement for 'Class-I local supplier'/Class-II local supplier', as the case may be. They shall also give details of the location (s) at which the local value addition is made.
b. In cases of procurement for a value in excess of Rs.10 crores, the 'Class-I local supplier'/'Class-II local supplier' shall be required to provide a certificate from the statutory auditor or cost auditor of the company (in the case of companies) or from a practicing cost accountant or practicing chartered accountant (in respect of suppliers other than companies) giving the percentage of local content.
c. Decisions on complaints relating to implementation of this Order shall be taken by the competent authority which is empowered to look into procurement-related complaints relating to the procuring entity.
d. Nodal Departments may constitute committees with internal and external experts for independent verification of self – declarations and auditor's/accountant's certificates on random basis and in the case of complaints.
e. Nodal Departments and procuring entities may prescribe fees for such complaints.
f. False declarations will be in breach of the Code of Integrity under Rule175(1) (i)(h) of the General Financial rules for which a bidder or its successors can be debarred for up to two years as per Rule 151(iii) of the General Financial Rules along with such other actions as may be permissible under law.
g. A supplier who has been debarred by any procuring entity for violation of this order shall not be eligible for preference under this Order for procurement by any other procuring entity for the duration of the debarment. The debarment for such other procuring entities shall take effect prospectively from the date on which it comes to the notice of other procurement entities, in the manner prescribed under paragraph-11(h)below.
h. The Industries Department with the concurrence of Finance Department shall issue suitable instructions for the effective and smooth operation of this process, so that:

    1. The fact and duration of debarment for violation of this Order by any procuring entity are promptly brought to the notice of the Member-Convener of the Standing Committee through the concerned Department or in some other manner.
    2. On a periodical basis such cases are consolidated and a centralized

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list or decentralized lists of such suppliers with the period of debarment is maintained and displayed on website(s).

3. In respect of procuring entities other than the one which has carried out the debarment, the debarment takes effect prospectively from the date of uploading on the website(s) in such a manner that ongoing Procurement are not disrupted.

12. SPECIFICATIONS IN TENDERS AND OTHER PROCUREMENT SOLICITATIONS:

a. Every procuring entity shall ensure that the eligibility conditions in respect of previous experience fixed in any tender or solicitation do not require proof of supply in other countries or proof of exports.
b. Procuring entities shall Endeavour to see that eligibility conditions including on matters like turnover, production capability and financial strength do not result in unreasonable exclusion of 'Class-I local supplier'/'Class-II local supplier' who would otherwise be eligible, beyond what is essential for ensuring quality or credit worthiness of the supplier.
c. Procuring entities shall, within 2 months of the issue of this Order review all existing eligibility norms and conditions with reference to subparagraphs 'a' and 'b' above.

d. Reciprocity Clause

i. When a Nodal Department identifies that Indian suppliers of an item are not allowed to participate and/or compete in procurement by any foreign government due to restrictive tender conditions which have direct or indirect elect of barring Indian companies such as registration in the procuring country execution of projects of specific value in the procuring country etc., it shall provide such details to all its procuring entities including CMDs/CEOs of PSEs/PSUs, State Governments and other procurement agencies under their administrative control and GeM for appropriate reciprocal action.
ii. Entities of countries which have been identified by the nodal Department as not allowing Indian companies to participate in their Government procurement for any item related to that nodal department shall not be allowed to participate in Government procurement in India for all items related to that nodal Department, except for the list of items published by the Department permitting their participation.
iii. The stipulation in (ii) above shall be part of all tenders invited by the Central Government procuring entities stated in (i) above. All purchases on GeM shall also necessarily have the above provisions for items identified by nodal Department.
iv. State Governments should be encouraged to incorporate similar provisions in their respective tenders.
v. The term 'entity' of a country shall have the same meaning as under the FDI Policy of DPIIT as amended from time to time.

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e. Specifying foreign certifications/ unreasonable technical specifications/ brands/ models in the bid document is restrictive and discriminatory practice against local suppliers. If foreign certification is required to be stipulated because of non-availability of Indian Standards and/or for any other reason, the same shall be done only after written approval of Secretary of the Department concerned or any other Authority having been designated such power by the Secretary of the Department concerned.

f. All administrative Departments whose procurement exceeds Rs.1000 Crore per annum shall notify / update their procurement projections every year, including those of the PSEs/PSUs, for the next 5 years on their respective website.

13. ACTION FOR NON –COMPLIANCE OF THE PROVISIONS OF THE ORDER:

In case restrictive or discriminatory conditions against domestic suppliers are included in bid documents, an inquiry shall be conducted by the administrative department undertaking the Procurement (including procurement by any entity under its administrative control) to fix responsibility for the same. Thereafter, appropriate action, administrative or otherwise, shall be taken against erring officials of procurement entities under relevant provisions. Intimation on all such actions shall be sent to the Standing Committee.

14. ASSESSMENT OF SUPPLY BASE BY NODAL DEPARTMENT:

The Nodal Department shall keep in view the domestic manufacturing/ supply base and assess the available capacity and the extent of local competition while identifying items and prescribing minimum local content or the manner of its calculation, with a view to avoiding cost increase from the operation of this order.

15. INCREASE IN MINIMUM LOCAL CONTENT:

The Nodal Department may annually review the local content requirements with a view to increasing them, subject to availability of local competition with adequate quality.

16. MANUFACTURE UNDER LICENSE/TECHNOLOGY COLLABORATION AGREEMENTS WITH PHASED INDIGENIZATION:

While notifying the minimum local content ,Nodal Departments may make special provisions for exempting suppliers from meeting the stipulated local content if the product is manufactured in India under a license from a foreign manufacturer who holds Intellectual Property rights and where there is a technology collaboration agreement / transfer of technology agreement for indigenous manufacturer of a product developed abroad with clear phasing of increase in local content.

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16A. In procurement of all goods, services or works in respect of which there is substantial quantity of public procurement and for which the nodal ministry has not notified that there is sufficient local capacity and local competition, the concerned nodal department shall notify an upper threshold value of procurement beyond which foreign companies shall enter into a joint venture with an Indian company to participate in the tender. Procuring entities, while procuring such items beyond the notified threshold value, shall prescribe in their respective tenders that foreign companies may enter into a joint venture with an Indian company to participate in the tender. The procuring Departments shall also make special provisions for exempting such joint ventures from meeting the stipulated minimum local content requirement, which shall be increased in a phased manner.

17. POWERS TO GRANT EXEMPTION AND TO REDUCE MINIMUM LOCAL CONTENT:

The administrative Department undertaking the procurement (including procurement by any entity under its administrative control), with the approval of their Minister –in-charge, may be written order, for reasons to be recorded in writing.

a. reduce the minimum local content below the prescribed level ; or
b. reduce the margin of purchase preference below 20%; or
c. exempt any particular item or supplying entities from the operation of this order or any part of the order.

A copy of every such order shall be provided to the standing committee and concerned Nodal Department. The Nodal Department concerned will continue to have the power to vary its notification on Minimum local content.

18. DIRECTIONS TO GOVERNMENT COMPANIES:

In respect of Government companies and other procuring entities not governed by the General Financial Rules, concerned Department shall issue policy directions requiring compliance with this order.

19. COUNTRIES WHICH SHARE LAND BORDER WITH INDIA

Further, the bidders from countries which share land border with India will be eligible to bid in public procurement, only if they are registered with the competent authority.

DPIIT constituted Registration Committee on 06.08.2020 to consider applications received for registration of bidders from countries which share land border with India for participation in public procurement with following composition:

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Chairperson	Joint Secretary Department for Promotion of Industry and Internal Trade
Members	Joint Secretary, Ministry of Home Affairs.
	Director, Ministry of External Affairs.
	Officers (ordinarily not below the rank of Joint Secretary) representing those Departments whose Sectors are covered by applications under consideration Any other officer whose presence is deemed necessary by the Chairman of the Committee.

The State will considered the bidders from countries which share land border with India to bid, provided they have valid registration from the competent authority of GoI.

i. only one hard copy in the prescribed format along with a soft copy (pdf) is required to be submitted by the applicants seeking registration having beneficial ownership in land border sharing countries. The applicant shall be asked to submit additional hard copies, if required, at a later date.

ii. Hard copy of application in the prescribed format has to be submitted to the Office of Joint Secretary (MKN), DPIIT, Room No. 236A, Udyog Bhawan, New Delhi. The soft copy (pdf) of the same has to be emailed at dpiit.144@gov. in

The format of covering letter and the formats for filing the application are given in **Annexure-I**

20. A STANDING COMMITTEE is hereby constituted with the following members.

Chief Secretary to Government of Andhra Pradesh	:	Chairperson
Spl. CS/Prl. Secy/Secretary, I&C Department	:	Vice Chairman
Spl. CS/Prl. Secy/Secretary of Procuring Department	:	Member
Spl. CS/Prl. Secy/Secretary, ITE&C Department	:	Member
Principal Secretary Finance	:	Member
Director of Industries	:	Member-convenor

The Secretary of the department concerned with a particular item shall be a member in respect of issues relating to such item. The Chairman of the Committee may Co-opt technical experts as relevant to any issue or class of issues under its consideration.

21. FUNCTIONS OF THE STANDING COMMITTEE:

The Standing Committee shall meet as often as necessary, but not less than once in Six months. The Committee

a. shall oversee the implementation of this order and issues arising there from and make recommendations to Nodal Departments and procuring entities.

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b. shall annually assess and periodically monitor compliance with this order.
c. shall identify Nodal Departments and the allocation of items among them for issue of notifications on minimum local content.
d. may require furnishing of details or returns regarding compliance with this order and related matters.
e. may, during annual review or otherwise assess issues, if any, where it is felt that the manner of implementation of the order results in any restrictive practices, cartelization or increase in public expenditure and suggest remedial measures.
f. may examine cases covered by Para-16 above relating to manufacture under license/ technology transfer agreements with a view to satisfying itself that adequate mechanisms exist for enforcement of such agreements and for attaining the underlying objective of progressive indigenization.
g. may consider any other issue relating to this order which may arise.

22. REMOVAL OF DIFFICULTIES:

Departments and the Boards of Directors of Government companies may issue such clarifications and instructions as may be necessary for the removal of any difficulties arising in the implementation of this order.

23. DEPARTMENTS HAVING EXISTING POLICIES:

Where any Department has its own policy for preference to local content approved by the Government, such policies will prevail over the provisions in this order. All other existing orders on preference to local content shall be reviewed by the Nodal Departments and revised as needed to confirm to this order, within two months of the issue of this order.

24. TRANSITIONAL PROVISION:

This order shall not apply to any tender or procurement for which notice inviting tender or other form of procurement solicitation has been issued before issue of this order.

25. Notwithstanding any provision stated above, the administrative Department undertaking the procurement (including procurement by any entity under its administrative control) may exempt the procurement of supplies required for containment of COVID-19 global pandemic from the applicability of this Order/ any provision thereof, after written approval of Secretary of the Department concerned or any other Authority having been assigned power by the Secretary of the Department concerned. The aforesaid exemption shall be applicable only till 30.09.2021.

26. The Public Procurement (Preference to Make in India) Order 2017(last amended on 16.09.2020) is applicable mutatis mutandis to all procurement of

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Government of India including Public Private Partnership (PPP) Projects. If any project has to be exempted from this order, the procedure prescribed in the order cited above shall be followed.

27. Launch of Online Portal for lodging grievances for alleged violation of PPP-MII Order, 2017

An online portal to enable entities like suppliers/bidders participating in Government procurement to lodge grievances for alleged violation of the PPP-MII Order, 2017. The portal is available at url: https://pmiig.dpiit.gov.in

The grievances will mandatorily be required to be lodged through this online portal with effective from 01.07.2021.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

R. KARIKAL VALAVEN
SPL. CHIEF SECRETARY TO GOVERNMENT & CIP

To
All The Secretariat Departments/HoDs./State PSUs.
The Director of Industries, Mangalagiri.
The P.S to Chief Secretary to Government.
The P.S to Spl. Chief Secretary to Government, Ind. & Com. Department.
The P.S to Secretary to Government, IT &C Department.
The P.S to Prl. Secretary to Government, Finance Department.

Copy to:
The OSD to Hon'ble Minister for Industries.
The Finance (FMU -I&I, Energy and I&C) Department.
The Secretary, Ministry of Commerce and Industry, Dept. of Promotion of Industry and Internal Trade, GoI, New Delhi.
Sf/Sc

// FORWARDED:: BY ORDER//

B. Radha
SECTION OFFICER

Covering Letter Format

To

The Office of JS (MKN)
Chairman Registration Committee
Room No. 236A, Udyog Bhawan, New Delhi

Subject: Application for registration of bidders having beneficial ownership in countries which share land border with India in accordance with Department of Expenditure Order No. F. No. 6/18/2019-PPD dated 23.07.2020 - regarding.

We, M/s _____(Name of the Bidder), hereby submit an application for registration of our Company in accordance with Department of Expenditure Order No. F. No. 6/18/2019-PPD dated 23.07.2020 through its authorized signatory consisting of following documents:

i. The Covering letter
ii. Letter of authority in favor of signatory.
iii. Details of Bidder as per Appendix 'A'.
iv. Details of Manufacturer/ Service provider/ Contractor, if different from bidder, as per Appendix 'B'.
v. Details of item (goods/ services / works) for which registration is being sought as per Appendix 'C'.
vi. Details of Bidder for security clearance as per Appendix 'D'.
vii. Details of Manufacturer/ Service provider/ Contractor, if different from bidder, for security clearance as per Appendix 'E'.

2. We confirm that the application is complete in all regards, and duly signed by authorized signatory on all pages, is being submitted in one hard copy. We also confirm that a soft copy in pdf format has been emailed to dpiit.144@gov.in. We understand that incomplete application will not be processed and summarily ignored.

3. We also confirm that we, M/s _____(Name of the Bidder), and M/s.....(Name of Manufacturer/ Service provider/ Contractor, if different from bidder) are not currently debarred/blacklisted/banned by any Government entity in India.

4. We also confirm that signatory of this letter & application form is the authorized signatory of the _____(Name of the Bidder). A copy of authorization letter is enclosed.

5. We understand that the registration granted by the Registration Committee shall be only for the purpose of bid participation under Rule 144(xi) of General Financial Rules, 2017. We

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also understand that validity period of Registration shall be 3 years from date of issue of registration letter. However, in case of appointment of new Director(s)/ new shareholders with more than 10% shares/ change in controlling ownership interest or control through other means, the registration shall automatically stand annulled.

(Name and Signature of authorized signatory of bidder along with telephone number and email Id)

Appendix - A

Bidder's details for registration under Rule 144(xi) of GFR

1.	**Name of Bidder** - as defined in the Department of Expenditure Order (Public Procurement No. 1) issued vide No. F.No.6/18/2019-PPD dated 23rd July, 2020	
2.	**Type of business entity** (Natural Person/ Private Limited Company/ Public Limited Company/ Sole Proprietorship/ One Person Company/ Partnership firm/ Limited Liability Partnership/ Joint Venture/ Trust/ NGO/or any other type of entity) In case of incorporated entity - to attach certificate of incorporation.	
3.	Complete **address of the Registered Office** with contact person name, telephone number and email Id.	
4.	Whether registration is being sought as Manufacturer/ service provider/ contractor for supply of goods/ services / works or As an **agent/reseller/distributor/member of consortium/ Branch Office/ Office Controlled by bidder/any subsidy of any artificial juridical person/** any other type of category) Bidder to give details in which category – registration is being sought.	
5.	In case bidder is seeking registration as manufacturer, complete address of the **manufacturing premises** with name, telephone number and email Id of contact person.	
6.	In case bidder is seeking registration as service provider/ contractor, **complete address of the premises from where services** are provided may be given with name, telephone number and email Id of contact person.	
7.	In case registration is being sought as an **agent/reseller/distributor/Office controlled by bidder/ any other subsidy of any artificial juridical person /any other category other than manufacturers, service provider and contractor** of above - the	

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	details of manufacturer/ service provider/ contractor may be furnished in **Appendix- B**.	
8.	The **details of items** (goods/ services / works) for which registration is sought as per **Appendix- C**.	

9. **Financial details# of the bidder in INR/ US Dollar** for last five financial years in the following format, duly certified by practicing Chartered Accountant (CA) in India:

Financial year (FY)	Net Sales turnover during the FY	Net Profit during the FY	Net worth at the end of the FY

Refer foot notes at the end of Appendix.

10. **Beneficial owners# of the bidder,** as defined in the Department of Expenditure Order (Public Procurement No. 1) issued vide No. F.No.6/18/2019-PPD dated 23rd July, 2020, in the following format, duly certified by practicing Chartered Accountant (CA) in India:

Beneficial owner details				
Name of the beneficial owner	**% beneficial ownership**	**Natural person or legal/ artificial juridical person/ entity**	**Country of Citizenship / Country of incorporation of legal/ artificial juridical person/ entity.**	**In case of legal/ artificial juridical person/ entity, beneficial ownership details of such entities may be furnished and so on.**

Refer foot notes at the end of Appendix.

Note:

1. The terminology "Works" in the entire document means "Works including turnkey works/ projects". Similarly, the terminology "Services" means "Consultancy as well as non-consultancy services".
2. Details of all beneficial owners having ownership more than that prescribed in Para 9 of Department of Expenditure Order (Public Procurement No. 1) issued vide No. F.No.6/18/2019-PPD dated 23rd July, 2020 are to be furnished.
3. In case beneficial owner is legal/ artificial juridical person/ entity, beneficial ownership details of such entities to the last natural person are to be furnished.
4. The details at serial number "9" and "10" should be on Chartered Accountant's letterhead indicating name, membership number and UDIN number.

Appendix - B

Manufacturer/ Service provider/ Contractor details for registration under Rule 144(xi) of GFR

(Note: The Appendix-B is to be filled up only in case Manufacturer/ Service provider/ Contractor is other not bidder, whose details have already been provided in Appendix -A)

1.	**Name of manufacturer/ service provider/ contractor**	
2.	**Type of business entity** (Natural Person/ Private Limited Company/ Public Limited Company/ Sole Proprietorship/ One Person Company/ Partnership firm/ Limited Liability Partnership/ Joint Venture/ Trust/ NGO/or any other type of entity) In case of incorporated entity - to attach certificate of incorporation.	
3.	Complete **address of the Registered Office of manufacturer/ service provider/ contractor** with contact person name, telephone number and email Id.	
4.	In case of manufacturer, complete address of the **manufacturing premises** with name, telephone number and email Id of contact person.	
5.	In case of service provider/ contractor, **complete address of the premises from where services** are provided may be given with name, telephone number and email Id of contact person.	
6.	**Manufacturer/ service provider/ contractor's** agreement with the bidder to seek registration under Rule 144(xi) of GFR and participate in public procurement in India, if any. Copy to be attached with the application.	

7. **Financial details# of the manufacturer/ Service provider/ Contractor in INR/ US Dollar** for last five financial years in the following format, duly certified by practicing Chartered Accountant (CA) in India:

Financial year (FY)	Net Sales turnover during the FY	Net Profit during the FY	Net worth at the end of the FY

Refer foot notes at the end of Appendix.

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8. **Beneficial owners# of the Manufacturer/ Service provider/ Contractor,** as defined in the Department of Expenditure Order (Public Procurement No. 1) issued vide No. F.No.6/18/2019-PPD dated 23rd July, 2020, in the following format, duly certified by practicing Chartered Accountant (CA) in India:

Beneficial owner details				
Name of the beneficial owner	**% beneficial ownership**	**Natural person or legal/ artificial juridical person/ entity**	**Country of Citizenship / Country of incorporation of legal/ artificial juridical person/ entity.**	**In case of legal/ artificial juridical person/ entity, beneficial ownership details of such entities may be furnished and so on.**

Refer foot notes at the end of Appendix.

Note:

1. The terminology "Works" in the entire document means "Works including turnkey works/ projects". Similarly, the terminology "Services" means "Consultancy as well as non-consultancy services".
2. Details of all beneficial owners having ownership more than that prescribed in Para 9 of Department of Expenditure Order (Public Procurement No. 1) issued vide No. F.No.6/18/2019-PPD dated 23rd July, 2020 are to be furnished.
3. In case beneficial owner is legal/ artificial juridical person/ entity, beneficial ownership details of such entities to the last natural person are to be furnished.
4. The details at serial number "7" and "8" should be on Chartered Accountants letterhead indicating name, membership number and UDIN number.

Appendix - C

Details of items (goods/ services / works) for which registration is sought

1.	Description of items (goods/ services / works) for which registration is being sought.	
2.	Broad technical specification parameters/ details of items	
3.	Annual Capacity of bidder for each of the goods/ services / works for which registration is being sought.	
4.	Major public procuring entities in India for these items	

5. Details of contracts# received by the bidder in last 05 years from public procuring entities in India in the following format, duly certified by practicing Chartered Accountant (CA) in India:

Sr. No.	Description of goods/ services / works with broad technical parameters	Procuring entity details – Name and complete address of the Organization.	Purchase Order No., date, Qty and value	Status of the Order – Executed successfully/ under execution/ cancelled

Refer foot notes at the end of Appendix.

6. Details of contracts# received by the bidder in last 05 years from private procuring entities in India in the following format, duly certified by practicing Chartered Accountant (CA) in India:

Sr. No.	Description of goods/ services / works with broad technical parameters	Procuring entity details – Name and complete address of the Organization.	Purchase Order No., date, Qty and value	Status of the Order – Executed successfully/ under execution/ cancelled

Refer foot notes at the end of Appendix.

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7. Details of outsourced components/goods and subcontracted works and services proposed to be used in execution of contract may be provided in the format given below:

Sr. No.	Details of outsourced components/goods and subcontracted works and services	Major technical parameters	Manufactured by /Subcontracted to	Country of Origin

Note:

1. The details at serial number "5" and "6" above are required to be furnished only for those goods/ services / works for which registration is being sought and for the same Manufacturer/ Service provider/ Contractor, whose details have been furnished in Appendix-B, if bidder is not Manufacturer/ Service provider/ Contractor. In case of large number of contracts, the details may be restricted to 20 (twenty) high value contracts.
2. The details at serial number "7" above are required to be furnished only for top 20 high value outsourced components/goods and subcontracted works and services.
3. Bidder can seek registration for multiple items in an application by providing requisite details for each of the item for which registration is being sought.
4. The details at serial number "5" and "6" should be on Chartered Accountant's letter head indicating name, membership number and UDIN number.

Appendix - D

Details of bidder for security clearance

I. Details in respect of bidding company/person:

Sl No.	Name of company/ person	Type of Company (Pvt. Ltd. /Pub. Ltd. /Sole Proprietorship/one person company/partnership/ LLP/JV/Trust/NGO etc.)	Country of registration in case of company/nationality (if holding multiple nationality, all must be mentioned) in case of person	Registration number with date in case of company/passport nos. and issue date in case of person	Registered office address and correspondence address in case of company/Contact Address in case of person	Previous Name of the Company, if any	Details of earlier registration, if any (ref no. & date)

II. Details of beneficial ownership of entity:

Sl No.	Name of company/individual which/who are the beneficial owner of bidding company	Country of registration, registration number with date in case beneficial owner is a company/nationality, passport number and issue date (if holding multiple nationality, all must be mentioned) in case beneficial owner is an individual	Registered office address and correspondence address in case of company/Contact Address in case of person	Details of intermediary company(s)/persons between bidder company or person and beneficial owner company/individual	Enclose a chart depicting the link between bidding company/person and the beneficial company/owners along with details such as address, parentage, passport details (in case of individuals) or company registration details (in case of companies)

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III. **Details in respect of Directors of bidding Company:**

Sl No.	Full Name of Board of Directors	Present position held with date (since when)	Date of birth	Percentage (name of father/mother)	Present & Permanent Address	Nationality (if holding multiple nationality, all must be mentioned)	Passport Nos. and issue date, if any.	Contact Address & telephone number

IV. **Details of shareholders of bidding company (all companies/entities/individuals with more than 10% shares or having controlling ownership interest or exercising control through means in case of less than 10% shares):**

Sl No.	Full Name of individual / company	Parentage (name of father/mother) in case of individuals and registration number in case of companies	Permanent address /present address in case of individuals, and registered and correspondence address in case of companies	Present position held, if any, in the applicant company	Nationality, in case of individual (if holding multiple nationality, all must be mentioned)/country of registration, in case of company	Passport Nos. and date of issue, if any (date of birth, in case passport is not available) for individuals	% of shares held in the company

V. **Details of tender(s) and specific goods/services/works proposed to be supplied:**
VI. **Reasons for seeking registration with Registration Committee of DPIIT:** A brief note to be attached
VII. **Details of nature of activities undertaken by bidding company/person:** A brief note to be attached
VIII. **Details of nature of activities undertaken by beneficial owner of bidding company/person:** A brief note to be attached
IX. **Details of criminal cases, if any, against the bidding company, its director(s) or person as per annexure**

Annexure to Appendix - D

Self-Declaration for bidding company and its director(s)/owners or person

a. Name & address and registration number of the Company :
b. Name and address of owners (in case of proprietorship firm)/directors of the company/person :

1. _____
2. _____
3. _____
4. _____

c. Are the company owners (in case of proprietorship firm)/directors/person listed above, are the subject of any?

1. Preventive detention proceedings under Public Safety Act/National Security Act etc. : Yes/No
2. Criminal Investigation in which charge sheet has been filed: Yes/No

d. If, Yes, please provide following details

1. Case/FIR number :
2. Detention/warrant number, if any :
3. Police Station/district/agency :
4. Sections of law under which cases has/have been filed :
5. Name and place of the court :

e. The above mentioned details are in respect of both India and any other foreign country.

(Signature)

Note: The above self-declaration is required to be filled and signed by the authorized signatory of the Company.

Appendix - E

Details of Manufacturer/Service Provider/Contractor for security clearance

(Note: The Appendix-E is to be filled up only in case Manufacturer/ Service provider/ Contractor is other not bidder, whose details have already been provided in Appendix -D)

I. Details in respect of Manufacturer/Service provider/Contractor:

Sl No.	Name of company/ person	Type of Company (Pvt. Ltd. /Pub. Ltd. /Sole Proprietorship/one person company/partner ship/LLP/JV/Trust/NGO etc.)	Country of registration in case of company/ nationality (if holding multiple nationality, all must be mentioned) in case of person	Registration number with date in case of company/passport nos. and issue date in case of person	Registered office ad dress and correspondence address in ca se of company/Cont act Address in case of person	Previous Name of the Company, if any	Details of earlier registration, if any (ref no. & date)

II. Details of beneficial ownership of Manufacturer/Service provider/Contractor:

Sl No.	Name of company/ individual which/who are the beneficial owner of bidding company	Country of registration, registration number with date in case beneficial owner is a company/nationality, passport number and issue date (if holding multiple nationality, all must be mentioned) in case beneficial owner is an individual	Registered office ad dress and correspondence address in ca se of company/Cont act Address in case of person	Details of intermediary company(s)/persons between bidder company or person and beneficial owner company/individual	Enclose a chart depicting the link between manufacturing company/ person or service provider or contractor and the beneficial company /owners along with details such a s address, parentage, passport details (in case of individuals) or company registration details (in case of companies)

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III. **Details in respect of Directors of Manufacturing Entity/Individuals/Service Provider/Contractor:**

SI No.	Full Name of Board of Directors	Present position held with date (since when)	Date of birth	Percentage (name of father/mother)	Present & Permanent Address	Nationality (if holding multiple nationality, all must be mentioned)	Passport Nos. and issue date, if any.	Contact Address & telephone number

IV. **Details of shareholders of Manufacturer/Service provider/Contractor (all companies/entities/individuals with more than 10% shares or having controlling ownership interest or exercising control through means in case of less than 10% shares):**

SI No.	Full Name of individual / company	Parentage (name of father/mother) in case of individuals and registration number in case of companies	Permanent address /present address in case of individuals, and registered and correspondence address in case of companies	Present position held, if any, in the applicant comp any	Nationality, in ca se of individual (if holding multiple nationality, all must be mentioned)/county of registration, in case of company	Passport Nos. and date of issue, if any (date of birth, in case passport is not available) for individuals	% of shares held in the company

V. **Details of tender(s) and specific goods/services/works proposed to be supplied:**
VI. **Reasons for seeking registration with Registration Committee of DPIIT:** A brief note to be attached
VII. **Details of nature of activities undertaken by bidding company/person:** A brief note to be attached
VIII. **Details of nature of activities undertaken by beneficial owner of bidding company/person:** A brief note to be attached
IX. **Details of criminal cases, if any, against the bidding company, its director(s) or person as per annexure**

Annexure to Appendix - E

Self-Declaration for manufacturer/service provider/ contractor and its director(s)/owners or person

a. Name & address and registration number of the Company :
b. Name and address of owners (in case of proprietorship firm)/directors of the company/person :

- _____
- _____
- _____
- _____

c. Are the company owners (in case of proprietorship firm)/directors/person listed above, are the subject of any?

- Preventive detention proceedings under Public Safety Act/National Security Act etc. : Yes/No
- Criminal Investigation in which charge sheet has been filed: Yes/No

d. If, Yes, please provide following details

- Case/FIR number :
- Detention/warrant number, if any :
- Police Station/district/agency :
- Sections of law under which cases has/have been filed :
- Name and place of the court :

e. The above mentioned details are in respect of both India and any other foreign country.

(Signature)

Note: The above self-declaration is required to be filled and signed by the authorized signatory of the Company.